



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

MEH:ddj  
Docket No: 3987-99  
19 January 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) CMC memorandum 1760 MMSR-6J of 3 December 1999  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject's widow, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he transferred to the Retired Reserve vice being discharged and that he elected to enroll in the Reserve Component Survivor Benefit Plan (RCSBP) for spouse coverage.
2. The Board, consisting of Mr. Caron, Mr. Ensley, and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 19 January 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
  - b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

#### CONCLUSION


Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

That Subject's naval record be corrected, where appropriate, to show that:


- a. He was transferred to the Retired Reserve on 1 February 1999, vice being discharged on 20 February 1999.
  - b. Prior to his retirement he elected to enroll in the RCSBP for full spouse coverage, naming Patricia L. Toyoda as the beneficiary. He elected option C, with 20 percent Supplemental RCSBP coverage.
  - c. Master Gunnery Sergeant Brown died 20 February 1999.
  - d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
G. L. ADAMS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

19 January 2000

  
W. DEAN PFEIFFER  
Executive Director